

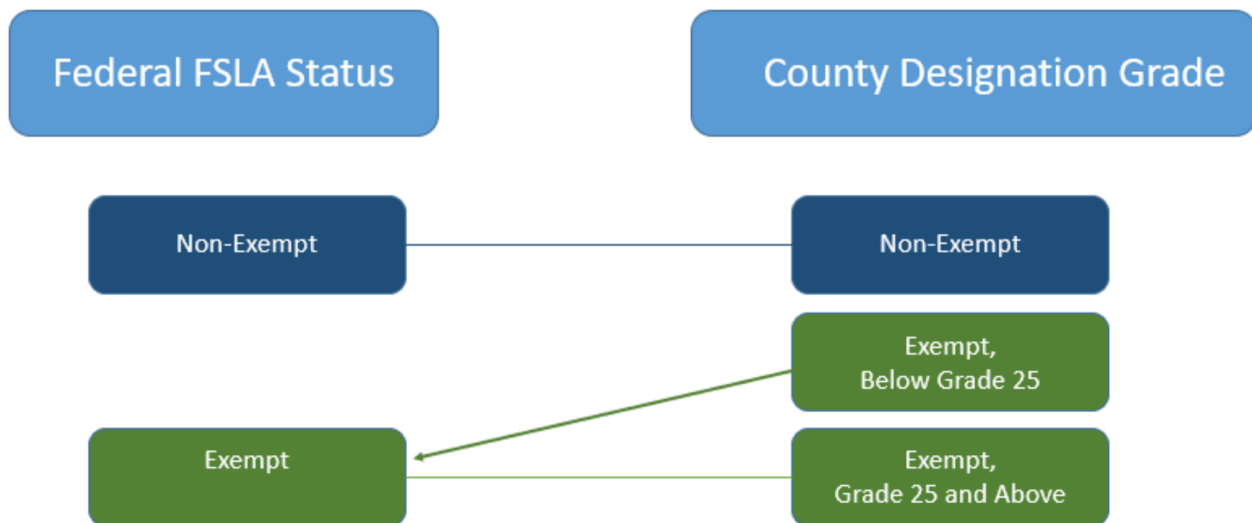


Use of Flex Hours Worked

Department of Labor's Fair Labor Standards Act (FLSA) is the Federal law that addresses how an employer must compensate employees for excess hours worked based on job classifications of either: Non-Exempt or Exempt.

OHR's Classification Team designates each County position according to job tasks as exempt or not exempt and assigns a classification grade. Oracle data (FLSA Status and Grade) passed to Mctime nightly. Mctime pay rules are configured and assigned based on this information.

Mctime Pay Rules are configured to calculate excess hours based on: the schedule, employee's FLSA status and Grade, excess pay thresholds (overtime), and other factors.





Use of Flex Hours Worked

Because the Montgomery County Personnel Regulations (MCPR) and Collectively Bargained Agreements (CBAs) sometimes permit an employee to alter workdays or work weeks, not all items are configurable in MCtime.

The pay code: **Flex Hours Worked**, allow EMPLOYEES (with manager's approval) flexibility to adjust their schedule, which might otherwise be subject to excess (overtime) thresholds. The pay code: **Flex Hours Worked** will suppress the calculation of excess hours in a timecard.

When: Employee directed (not management) schedule change. MANAGEMENT directed changes may require excess (overtime) compensation.

To: Use suppresses the calculation of excess hours (overtime pay or compensatory leave).

How: Use pay code: **Hours Worked** first. To test if **Hours Worked** generates excess hours, a manager can populate the timecard and use the **Calculate Totals** tool (found under **Actions** in the MCtime application). Use pay code: **Flex Hours Worked** only when necessary to suppress OT.

Note: Review any impact to differentials. And as regular hours diminish verify the accuracy of differentials.

Flex Hours Worked should replace Regular Hours one for one.

Special Multilingual Differential pay codes: **Flex Hours with ML1 or ML2**





Use of Flex Hours Worked

Thresholds are relevant to understanding when it is appropriate to use **Flex Hours Worked**.

Excess Hours	FLSA Non-Exempt	FLSA Exempt, Below Grade 25	FLSA Exempt, Grade 25 & Above	MLS, Directors, Question A Management
Daily Thresholds*	8	8	8	N/A
Weekly Thresholds	40	40**	N/A	N/A
Bi-Weekly Thresholds ***	N/A	80	80	80
Default Form of Payment	Overtime Pay	Compensatory Leave	Compensatory Leave	Unpaid
Rate of Payment	1.5	1.5	1.0	Unpaid

Notes:

* Daily Thresholds are based on scheduled hours, typically 8 hours. For Full time employees, weekly thresholds must be met before weekly or bi-weekly thresholds are triggered. For Part-time employees and some schedules, daily thresholds will trigger excess hours (overtime).

** MCGEO CBA allows for Exempt Employees below Grade 25 to request alterations to workday/work week. These requests are subject to Management approval. These requests are considered “employee directed” rather than “management directed.”

*** Public Safety Employees (FOP, IAFF and SHF) are subject to adjusted bi-weekly FLSA 7(k) thresholds, regardless of FLSA Status or Grade.





Use of Flex Hours Worked

What are some examples of when it is appropriate to use a Flex Hours Worked Pay Code?

- Compressed Schedule Patterns (Daily Thresholds 9-hour days) - alteration of workday
- Part-Time Employees (Daily Thresholds) -- alteration of Workday
- FLSA EXEMPT, Below Grade 25 – an employee directed alteration of work week
- Special Public Safety Schedule Patterns (Thresholds determined by configured schedule pattern)

What are some examples of when it is **not** appropriate to use a Flex Hours Worked Pay Code?

- FLSA EXEMPT, Below Grade 25 schedules – **management directed** schedule adjustments
- FLSA EXEMPT, Below Grade 25 schedules – for FT schedule in **both** weeks (**40 hours or more**)
- FLSA EXEMPT, Grade 25 & Above schedules, MLS, Directors and Question A– FT Pay Rules already configured for 80 hours biweekly
- FLSA NON- EXEMPT – a NON- EXEMPT employee **may not alter between work weeks**
- Do **not** use Flex Hours Worked for **more hours than needed**
- **NEVER USE** Flex Hours Worked on the day the employee did not work, or else the employee will be paid double.





Use of Flex Hours Worked

- Multilingual Certified Employees – must use Flex Hours Worked w/ MLA or MLB instead.

Example 1 - Compressed Schedule Patterns (Daily Thresholds 8 hour days) - alteration of work day

Employee requests/management approves alteration of work day 4/25 & 4/26.

Only the hours worked are recorded on each day. The Compressed Patterns are configured to treat any deviation from schedule as excess hours. Therefore to accommodate the employee's request to work additional time on Monday in exchange for leaving work early on Tuesday, one hour is recorded using the Flex Hours Worked pay code. Total Hours Towards Schedule is 80, with no excess hours.

	Pay Code	Transfer	Sun 4/23	Mon 4/24	Tue 4/25	Wed 4/26	Thu 4/27	Fri 4/28	Sat 4/29
<input checked="" type="checkbox"/>	Hours Worked			9.0	8.0				
<input checked="" type="checkbox"/>	Hours Worked					9.0	9.0		
<input checked="" type="checkbox"/>	Flex Hours Wo...			1.0					
<input checked="" type="checkbox"/>	<Enter Pay Co...								
<input checked="" type="checkbox"/>	Schedule			8:00AM-5:00PM	8:00AM-5:00PM	8:00AM-5:00PM	8:00AM-5:00PM		
<input checked="" type="checkbox"/>	Daily Total			10.0	8.0	9.0	9.0		

	Pay Code	Transfer	Sun 4/30	Mon 5/01	Tue 5/02	Wed 5/03	Thu 5/04	Fri 5/05	Sat 5/06
<input checked="" type="checkbox"/>	Hours Worked			9.0	9.0	9.0	9.0	8.0	
<input checked="" type="checkbox"/>	<Enter Pay Co...								
<input checked="" type="checkbox"/>	Schedule			8:00AM-5:00PM	8:00AM-5:00PM	8:00AM-5:00PM	8:00AM-5:00PM	8:00AM-4:00PM	
<input checked="" type="checkbox"/>	Daily Total			9.0	9.0	9.0	9.0	8.0	

Totals Accruals Audits Historical Corrections

All All

Account	Pay Code	Amount	Wages
FIN 32-1999/FIN 32-1740-/-/-/26677/-	Flex Hours Worked	1.0	\$0.00
FIN 32-1999/FIN 32-1740-/-/-/26677/-	OT at 1.5 - Overtime	0.0	\$0.00
FIN 32-1999/FIN 32-1740-/-/-/26677/-	Regular	79.0	\$0.00
FIN 32-1999/FIN 32-1740-/-/-/26677/-	Total Hrs Towards Schedule	80.0	\$0.00





Use of Flex Hours Worked

Example 2 - Part-Time Employees (Daily Thresholds) - alteration of workday

Employee requests/management approves alteration of workday 4/24 & 4/25

Only the hours worked are recorded on each day. The Part-Time Employees (Daily Thresholds) are configured to treat any additional hours against the Daily Threshold of 7 hours, since Weekly Thresholds may not be met. Therefore to accommodate the employee's request to work additional time on Monday in exchange for leaving work early on Tuesday, one hour is recorded using the Flex Hours Worked pay code. Total Hours Towards Schedule is 60, with no excess hours,

Pay Code	Transfer	Sun 4/23	Mon 4/24	Tue 4/25	Wed 4/26	Thu 4/27	Fri 4/28	Sat 4/29
<input checked="" type="checkbox"/> Hours Worked			7.0	6.0				
<input checked="" type="checkbox"/> Hours Worked						8.0	8.0	
<input checked="" type="checkbox"/> Flex Hours Wo...			1.0					
<input checked="" type="checkbox"/> <Enter Pay Co...								
<input checked="" type="checkbox"/> Schedule			9:00AM-4:00PM	9:00AM-4:00PM		8:00AM-4:00PM	8:00AM-4:00PM	
<input checked="" type="checkbox"/> Daily Total			8.0	6.0		8.0	8.0	

Pay Code	Transfer	Sun 4/30	Mon 5/01	Tue 5/02	Wed 5/03	Thu 5/04	Fri 5/05	Sat 5/06
<input checked="" type="checkbox"/> Hours Worked			7.0	7.0		8.0		8.0
<input checked="" type="checkbox"/> <Enter Pay Co...								
<input checked="" type="checkbox"/> Schedule			9:00AM-4:00PM	9:00AM-4:00PM		8:00AM-4:00PM		8:00AM-4:00PM
<input checked="" type="checkbox"/> Daily Total			7.0	7.0		8.0		8.0

Totals Accruals Audits Historical Corrections

All All

Account	Pay Code	Amount	Wages
FIN 32-1999/FIN 32-1740-/-/-/26677/-	Flex Hours Worked	1.0	\$0.00
FIN 32-1999/FIN 32-1740-/-/-/26677/-	Regular	59.0	\$0.00
FIN 32-1999/FIN 32-1740-/-/-/26677/-	Total Hrs Towards Schedule	60.0	\$0.00





Use of Flex Hours Worked

Example 3 - FLSA EXEMPT, Below Grade 25 – an employee directed alteration of work week

Employee works Sunday 4/23 – best practice would always be to alter schedule within same week, but if alteration is between weeks in pay period, the pay code “Flex Hours Worked” is needed. Employee requests/management approves alteration of workday 5/03 in the following week.

Only the hours worked are recorded on each day. The Employee’s Weekly Threshold is configured to treat hours > 40 as excess.

Therefore, to accommodate the employee’s request to work additional time on Sunday in the first week in exchange for leaving work early on Wednesday in the second week, five hours are recorded using the Flex Hours Worked pay code. Total Hours Towards Schedule is 80, with no excess hours.

	Pay Code	Transfer	Sun 4/23	Mon 4/24	Tue 4/25	Wed 4/26	Thu 4/27	Fri 4/28	Sat 4/29
<input checked="" type="checkbox"/>	Hours Worked			8.0	8.0				
<input checked="" type="checkbox"/>	Hours Worked					8.0	8.0	8.0	
<input checked="" type="checkbox"/>	Flex Hours Wo...		5.0						
<input checked="" type="checkbox"/>	<Enter Pay Co...								
<input checked="" type="checkbox"/>	Schedule			8:00AM-4:00PM	8:00AM-4:00PM	8:00AM-4:00PM	8:00AM-4:00PM	8:00AM-4:00PM	
<input checked="" type="checkbox"/>	Daily Total		5.0	8.0	8.0	8.0	8.0	8.0	

	Pay Code	Transfer	Sun 4/30	Mon 5/01	Tue 5/02	Wed 5/03	Thu 5/04	Fri 5/05	Sat 5/06
<input checked="" type="checkbox"/>	Hours Worked			8.0	8.0		8.0	8.0	
<input checked="" type="checkbox"/>	Hours Worked					3.0			
<input checked="" type="checkbox"/>	<Enter Pay Co...								
<input checked="" type="checkbox"/>	Schedule			8:00AM-4:00PM	8:00AM-4:00PM	8:00AM-4:00PM	8:00AM-4:00PM	8:00AM-4:00PM	
<input checked="" type="checkbox"/>	Daily Total			8.0	8.0	3.0	8.0	8.0	

Totals Accruals Audits Historical Corrections			
All		All	
Account	Pay Code	Amount	Wages
FIN 32-1999/FIN 32-1740-/-/26677/-	Flex Hours Worked	5.0	\$0.00
FIN 32-1999/FIN 32-1740-/-/26677/-	Regular	75.0	\$0.00
FIN 32-1999/FIN 32-1740-/-/26677/-	Total Hrs Towards Schedule	80.0	\$0.00





Use of Flex Hours Worked

Example 4 – Employee with Multilingual Certification – any eligible **Flex Hours Worked** situation

When an employee is Multilingual Certified, the use of Flex Hours worked may also require review of Multilingual Hours.

There are two pay codes that combine Flex Hours with multilingual. The three Flex Hours Work pay codes are:

- Flex Hours Work
- Flex Hours Worked with ML1
- Flex Hours Worked with ML2

Pay Code	Transfer	Sun 4/23	Mon 4/24	Tue 4/25	Wed 4/26	Thu 4/27	Fri 4/28	Sat 4/29	Total
<input checked="" type="checkbox"/> Hours Worked			4.0	4.0	4.0				12.0
<input checked="" type="checkbox"/> Hours Worked						8.0	8.0		16.0
<input checked="" type="checkbox"/> Annual Leave			4.0						4.0
<input checked="" type="checkbox"/> Sick Leave				4.0					4.0
<input type="checkbox"/> <Enter Pay Code>									
<input type="checkbox"/> Schedule			8:00A...	8:00A...	8:00A...	8:00A...	8:00A...		
<input checked="" type="checkbox"/> Daily Total			8.0	8.0	4.0	8.0	8.0		36.0

Pay Code	Transfer	Sun 4/30	Mon 5/01	Tue 5/02	Wed 5/03	Thu 5/04	Fri 5/05	Sat 5/06	Total
<input checked="" type="checkbox"/> Hours Worked			8.0	8.0	8.0	8.0			32.0
<input checked="" type="checkbox"/> Hours Worked							8.0		8.0
<input checked="" type="checkbox"/> Flex Hours Worked with ML2			1.0	1.0	1.0	1.0			4.0
<input type="checkbox"/> <Enter Pay Code>									

Totals Accruals Audits Historical Corrections

All All

Account	Pay Code	Amount	Wages
FIN 32-1999/FIN 32-1740-/-/-/26677/-	Annual Leave	4.0	\$0.00
FIN 32-1999/FIN 32-1740-/-/-/26677/-	Flex Hours Worked with ML2	4.0	\$6.00
FIN 32-1999/FIN 32-1740-/-/-/26677/-	ML2 - Multilingual Advanced	68.0	\$102.00
FIN 32-1999/FIN 32-1740-/-/-/26677/-	Regular	68.0	\$0.00
FIN 32-1999/FIN 32-1740-/-/-/26677/-	Sick Leave	4.0	\$0.00
FIN 32-1999/FIN 32-1740-/-/-/26677/-	Total Hrs Towards Schedule	80.0	\$6.00





Use of Flex Hours Worked

Example 5 – (DOCR Only)

DOCR Shift Swaps within the week and excess hours.

When the swap shift is worked with another shift (double shift on the same day) the **Flex Hours Worked** is needed, as swapped shift is a regular day.

- Add Flex Hours Worked to the second shift worked and add a zero to the day not worked on the same row.
- Add a transfer to the Flex Hours Worked row search and select to apply Reason Code: WORKSWAP.
- Work swap shift is not excess hours, so shift differential may apply, but as regular (SD) not excess (SO).
- No meal break or meal differential for the second shift.

If excess shifts are worked, **Total Hours Towards Schedule** could be more than 80 hours. Review differentials.

	Pay Code	Transfer	Sun 5/07	Mon 5/08	Tue 5/09	Wed 5/10	Thu 5/11	Fri 5/12	Sat 5/13	Total
<input checked="" type="checkbox"/>	Hours Worked					8.5	8.5		8.5	25.5
<input checked="" type="checkbox"/>	Hours Worked							8.5		8.5
<input checked="" type="checkbox"/>	Flex Hours Worked	////WORKSWAP//			0.0			8.0		8.0
<input checked="" type="checkbox"/>	LO8 - Paid Meal SO8 OT 8p-559a					0.5	0.5		0.5	1.5
<input checked="" type="checkbox"/>	LO8 - Paid Meal SO8 OT 8p-559a							0.5		0.5
<input checked="" type="checkbox"/>	SD7 - Shift Diff 12p-759p							8.0		8.0
<input checked="" type="checkbox"/>	SD8 - Shift Diff 8p-559a					8.0	8.0		8.0	24.0
<input checked="" type="checkbox"/>	SD8 - Shift Diff 8p-559a							8.0		8.0
<input checked="" type="checkbox"/>	<Enter Pay Code>									
<input checked="" type="checkbox"/>	Schedule				10:30P...	10:30P...	10:30P...	10:30P...	10:30P...	
<input checked="" type="checkbox"/>	Daily Total					17.0	17.0	33.0	17.0	84.0

On same Flex line - 8 hours for double shift and

No meal break or meal differential for second shift.

Entitled to SD appropriate for full swapped shift.





Use of Flex Hours Worked

Example 5, continued – (DOCR Only)

Using the **Reason Code**: 'WORKSWAP' and expanding to show the **Account** view will allow you to validate the appropriate differentials.

Totals Accruals Audits Historical Corrections			
All		All	
Account	Pay Code	Amount	Wages
(x)FIN 32-1999/FIN 32-1740/-/-/WORKSWAP/26677/-	Flex Hours Worked	8.0	\$0.00
FIN 32-1999/FIN 32-1740/-/-/26677/-	LO8 - Paid Meal SO8 OT 8p-559a	4.5	\$12.65
FIN 32-1999/FIN 32-1740/-/-/26677/-	OTL - DOCR - Overtime Lunch	4.5	\$0.00
FIN 32-1999/FIN 32-1740/-/-/26677/-	Regular	72.0	\$0.00
FIN 32-1999/FIN 32-1740/-/-/26677/-	SD7 - Shift Diff 12p-759p	8.0	\$11.36
FIN 32-1999/FIN 32-1740/-/-/26677/-	SD8 - Shift Diff 8p-559a	72.0	\$134.64
FIN 32-1999/FIN 32-1740/-/-/26677/-	Total Hrs Towards Schedule	72.0	\$0.00
(x)FIN 32-1999/FIN 32-1740/-/-/WORKSWAP/26677/-	Total Hrs Towards Schedule	8.0	\$0.00

If the schedule is adjusted to a non-work day, the 'Flex Hours Worked' code is not needed, however the **Reason Code**: 'WORKSWAP' should be added. Meal break is permitted.

NOTE: If any hours are worked on the scheduled day that was supposed to be off, please contact Mctime Team to review.

NOTE: If Total Hours Towards Schedule is greater than 80 hours, the fix may require **Pay Code** Moves of "Regular" hours, that can only be performed with Mctime Team access. Contact the Mctime Team.

